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## Mexico: Evolution of the Mérida Initiative, FY2008-FY2022

Congress remains concerned about the effects of organized-crime-related violence in Mexico on U.S. security interests and U.S. citizens' safety in Mexico. Homicides in Mexico reached record levels from 2016 to 2019, followed by a slight decline during the Coronavirus Disease 2019 (COVID-19) pandemic. Femicides, or killings of women, have increased at a faster rate than other homicides. With the bipartisan support of Congress, the Mérida Initiative has comprised the majority of U.S. foreign aid to Mexico since FY2008.

This product provides an overview of the roughly \$3.3 billion appropriated to date for the Mérida Initiative; Mexico's security strategy; and bilateral security efforts, including the Biden Administration's priorities.

### Origins of the Mérida Initiative

Prior to FY2008, Mexico did not receive large amounts of U.S. security assistance, partially due to Mexican sensitivity about U.S. involvement in the country's internal affairs. In March 2007, then-Mexican President Felipe Calderón asked for more U.S. cooperation to fight criminal organizations and their cross-border trafficking operations. In response, the Mérida Initiative, a package of U.S. antidrug and rule of law assistance to Mexico (and Central America), began.

As part of the Mérida Initiative's emphasis on *shared responsibility*, the Mexican government pledged to tackle corruption. The U.S. government pledged to address drug demand and the illicit trafficking of firearms and bulk currency to Mexico. Both governments have struggled to fulfill those commitments. Impunity for public corruption continues in Mexico, and record U.S. drug overdoses in 2020 reveal challenges in addressing U.S. drug demand.

### Initial Phase: FY2008-FY2010

Congress appropriated some \$1.5 billion, including \$420.7 million in Foreign Military Financing (FMF), which enabled the purchase of equipment, including aircraft and helicopters, to support Mexico's federal security forces (military and police). Congress withheld 15% of certain U.S. aid for the Mexican military and police until the State Department submitted an annual report stating that Mexico was taking steps to meet human rights requirements. U.S. assistance focused on (1) counternarcotics, border security, and counterterrorism; (2) public security; and (3) institution building. U.S. assistance and intelligence supported Mexico's strategy of arresting (and extraditing) kingpins from each of the major drug trafficking organizations. This "kingpin" strategy also fueled violence, as fractured drug trafficking organizations fought to regroup and reorganize.

### The Four-Pillars: FY2011-FY2017

In 2011, the U.S. and Mexican governments broadened the scope of bilateral efforts under four pillars:

1. **Combating transnational criminal organizations** through intelligence sharing and law enforcement operations;
2. **Institutionalizing the rule of law while protecting human rights** through justice sector reform, forensic equipment and training, and police and corrections reform;
3. **Creating a 21<sup>st</sup>-century U.S.-Mexican border** while improving immigration enforcement in Mexico; and
4. **Building strong and resilient communities** by piloting approaches to address root causes of violence, reduce drug demand, and build a "culture of lawfulness" through education programs.

Some analysts praised the wide-ranging cooperation between the governments. Others criticized the increasing number of priorities the two nations adopted. Experts warned it would be difficult in only eight years for Mexico to implement an accusatorial justice system requiring better evidence collection by police and public trials with oral arguments. Mexico's Congress established the eight-year transition to a new justice system in 2008 constitutional reforms.

### Trump Administration (FY2018-FY2021)

President Trump's executive orders on combatting transnational criminal organizations (E.O. 13773) and enhancing border security (E.O. 13767) refocused the Mérida Initiative. U.S. priorities included reducing synthetic drug production, improving border interdiction and port security, and combating money laundering. In 2019, President Trump praised Mexico's stepped-up efforts against illegal migration but criticized Mexico's antidrug performance in his FY2021 "drug majors" determination.

Beginning in 2020, the COVID-19 pandemic hindered bilateral cooperation. In October 2020, the United States arrested former Defense Minister Salvador Cienfuegos on drug charges; the move angered the Mexican government and further limited security cooperation. After the United States dropped the case and allowed Cienfuegos to return to Mexico, President López Obrador exonerated him and dismissed the U.S. evidence as fabrications. Mexico's Congress enacted a law requiring foreign law enforcement officials to share any information they gather with designated Mexican federal authorities and Mexican state and local officials to report contacts with foreign officials.

### López Obrador Administration

Inaugurated in December 2018, President López Obrador enjoys high approval ratings even though his government has struggled to address homicides and violent crime. Mexico's security strategy, released in February 2019, includes a focus on addressing the socioeconomic drivers of violent crime. Thus far, López Obrador has implemented

broad social programs rather than the type of targeted crime prevention efforts that USAID has endorsed.

President López Obrador campaigned against Mexico's military-led "war" on transnational criminal organizations but backed constitutional reforms to allow military involvement in public security for five more years. Those reforms came despite a 2018 Mexico Supreme Court ruling that prolonged military involvement in public security violated the Mexican Constitution. López Obrador initially resisted the so-called *kingpin strategy* employed by his two predecessors, but high-level arrests and extraditions increased in 2020 until Cienfuegos's arrest.

Instead of bolstering the federal police, which received U.S. equipment and training, President López Obrador secured congressional approval of a new National Guard composed of mostly military officers. He has deployed the National Guard to secure oil pipelines, reassert territorial control in high-crime areas, and secure Mexico's borders. There are concerns about the National Guard violating human rights and operating as a branch of the military. López Obrador has asked the Mexican Congress to enact a constitutional reform to make the National Guard a part of the defense ministry. Human rights and policing experts oppose this move, asserting that military forces are ill-suited to perform civilian policing. Critics have faulted the administration for not investing in state and local police forces, which investigate most crimes.

Civil society and the private sector have criticized President López Obrador for abandoning his pledges to combat corruption and impunity. Mexico's Congress approved the creation of an independent prosecutor general's office; the individual selected for that post is the president's close ally. Although federal prosecutors have slowly pursued corruption cases against the former head of *Petróleos Mexicanos* (extradited from Spain) and the former social development minister, they appear to have ignored most allegations involving López Obrador's allies. The government has not moved to implement the national anti-corruption system established through constitutional reforms in 2017.

## Assessing the Mérida Initiative

Many analysts have observed the need for more reporting on Mérida Initiative outcomes to help Congress oversee the funds it has appropriated. The State Department asserts that the Mérida Initiative has led to (1) intelligence-sharing and police cooperation that has enabled the capture and extradition of high-profile criminals; (2) the creation of national training standards for Mexican police, prosecutors, and judges; and (3) the international accreditation of Mexican prisons, labs, and police training institutes.

Despite those results, escalating violence in Mexico and drug overdose deaths in the United States have led many to question the Mérida Initiative's overall efficacy. For years, the Government Accountability Office (GAO) has urged U.S. agencies working in Mexico to adopt outcome rather than just output measures. A May 2020 GAO report asserted that USAID followed "key monitoring practices and tracked performance data" for its programs, but the State Department did not.

## Biden Administration

The Biden Administration inherited a tense security relationship with Mexico at the federal level, but one in which state and local cooperation had continued. President Biden and President López Obrador have committed to collaborate on migration issues and on COVID-19 response and economic recovery. Those issues, as well as economic concerns, have publicly predominated over security issues in bilateral relations. Nevertheless, high-level talks held in August 2021 suggest security cooperation, which remains strained, is also a top U.S. concern. A Cabinet-level security dialogue is scheduled for November 2021.

A September 2021 State Department fact sheet identifies achievements of the Mérida Initiative under the four-pillar strategy, signaling a possible return to that Obama-era framework. Biden officials may also be amenable to some of Mexico's top priorities, such as addressing U.S. arms trafficking to Mexico. A February 2021 GAO report suggests several measures that U.S. agencies could adopt to improve efforts in that area.

The Biden Administration requested \$116.5 million in foreign assistance for Mexico for FY2022, nearly 27% lower than the estimated FY2021 appropriation of \$158.9 million. The Administration's FY2022 request for International Narcotics Control and Law Enforcement (INCLE) funds for Mexico, which usually support antidrug efforts with federal agencies, is \$44 million less than the FY2021 estimated appropriation. In contrast, funds requested for USAID, which works at the state and local levels, remained level.

## Congressional Action

Congress is considering the Biden Administration's FY2022 foreign assistance request for Mexico. The House-passed version of the FY2022 foreign aid appropriations bill (H.R. 4373, H.Rept. 117-84) would provide \$158.9 million for Mexico, the same amount appropriated in FY2021. The bill would prohibit funding to support Mexican military participation in public security efforts. It would require a comprehensive review of funds provided through the Mérida Initiative and a report on any funds appropriated to Mexican agencies involved in migration management within 90 days of the bill's enactment. It would also require reports on plans to improve data collection on synthetic drug trafficking, the adequacy of Mexico's efforts to combat human rights abuses such as torture and enforced disappearances, crimes committed along Mexico's northern highways, efforts to combat fentanyl flows, and the efficacy of U.S. drug control tools (e.g., sanctions).

See CRS Report R41576, *Mexico: Organized Crime and Drug Trafficking Organizations*; CRS Insight IN11535, *Mexican Drug Trafficking and Cartel Operations amid COVID-19*; CRS In Focus IF10215, *Mexico's Immigration Control Efforts*; and CRS In Focus IF10400, *Trends in Mexican Opioid Trafficking and Implications for U.S.-Mexico Security Cooperation*.

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